

## **MEMORANDUM**

**TO:** Board of Environmental Protection

**FROM:** Marc Cone, Bureau of Air Quality

**DATE:** April 3, 2008

**RE:** Post to Public Hearing:  
Chapter 115 Major and Minor Source Air Emission License Regulations and  
Chapter 149 General Permit Regulation for Nonmetallic Mineral Processing  
Plants

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### **Statutory and Regulatory Reference:**

A. Statutory authority.

38 MRSA Section 585-A provides that the Board of Environmental Protection "may establish and amend regulations to implement ambient air quality standards and emission standards. These regulations shall be designed to achieve and maintain ambient air quality standards and emission standards within any region and prevent air pollution."

B. Specific legal mandates requiring adoption.

There is no specific legal mandate for adopting this rule.

### **Location/Applicability:**

The proposed regulations will apply statewide.

### **Description:**

Chapter 149 General Permit Regulation for Nonmetallic Mineral Processing Plants, a new rule, establishes a general permit program for stationary and portable nonmetallic mineral processing plants (NMMPP) that are subject to Federal New Source Performance Standards (NSPS) and those subject to State Regulations. This rule allows most NMMPP, defined as any combination of a rock crusher and stationary engine functioning in conjunction, to obtain a permit from the Department without going through the licensing process currently required by Chapter 115 Major and Minor Source Air Emission License Regulation. Owner/operators may choose to be licensed under Chapter 149 or Chapter 115, however, facilities emitting pollutants at levels subject to Chapter 137 Emission Statements will not be permitted to utilize Chapter 149 and will require a Chapter 115 license.

This general permit program for NMMPP will expedite the permitting process while maintaining the same level of control over emissions. Under this regulation, rock crushers will continue to be subject to opacity standards and control equipment requirements.

Portable rental NMMPP often avoid the current licensing system because the units are operated and returned to the owners before a license application can be processed. This rule will provide clear requirements for both the owners and operators of the NMMPP. By making the permitting process faster and more accessible, rock crushing operations will be better accounted for, and will improve compliance. The Department expects most NMMPP to obtain a permit under Chapter 149 instead of Chapter 115.

Chapter 115 Section 1(C)(3) Exemptions is amended to reflect the option of permitting under Chapter 149.

**Environmental Issues:**

Particulate emissions from fuel burning and general process sources can cause health issues as well as nuisance conditions. Fine particulates can aggravate lung diseases such as asthma, emphysema and bronchitis.

**Departmental Recommendation:**

The Department recommends that the Board hold a public hearing on this proposal on May 15, 2008.

**Estimated Time of Presentation:**

15 minutes.